

## Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SPC-03 SS-15 ACDA-19 IO-13 SCI-06

EPA-04 CEQ-02 NEA-10 /136 R

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EUR/CE - MR. GEORGE

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FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

USMISSION BERLIN IMMEDIATE

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY MOSCOW PRIORITY

AMEMBASSY PARIS PRIORITY

USMISSION NATO PRIORITY

C O N F I D E N T I A L STATE 189359

E.O. 11652:GDS

TAGS: PGOVE, WE, GW, UR

SUBJECT: FRG ENVIRONMENTAL OFFICE IN BERLIN

REF: (A) BERLIN 1625 (B) BERLIN 1631 (C) BONN 13594

1. DEPARTMENT CONTINUES TO ENDORSE US AND FRENCH POSITION  
THAT CENTRAL ISSUE -- SOVIET ASSERTION THAT FOUR POWERS  
PROCEEDED IN QA FROM IDEA THAT FRG PRESENCE WAS TO BE  
REDUCED -- SHOULD BE ANSWERED. EMBASSY SHOULD THEREFORE  
MAKE FURTHER EFFORT TO ADDRESS THIS ISSUE DIRECTLY IN  
TEXT, IT IS ALSO NOT TRUE THAT THE LIMITATIONS IMPOSED ON  
FEDERAL PRESENCE IN PARA TWO OF QA ANNEX II FLOW FROM THE  
GENERAL PROPOSITION OF PARAGRAPH I OF THAT ANNEX. RATHER,  
THE ACTIVITIES  
PROHIBITED WERE SPECIFIC CONCESSIONS TO THE SOVIETS;  
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NOWHERE DID THE THREE POWERS CONCEDE THAT SUCH ACTIVITIES

WERE OR EVER HAD BEEN INCOMPATIBLE WITH THE STATUS OF BERLIN. BOTH PROBLEMS CAN BE DEALT WITH IF PARAS 2 AND 3 OF UK DRAFT ARE REVISED ALONG FOLLOWING GENERAL LINES:

2. BEGIN TEXT: IT CANNOT BE ASSERTED THAT TEXT OF QA AND ITS ASSOCIATED DOCUMENTS ARE BASED ON THE GENERAL PRINCIPLE THAT THE FEDERAL PRESENCE IN THE WSB IS TO BE REDUCED. NO SUCH LIMITATION IS CONTAINED IN OR IMPLIED BY THE QA AND ITS ASSOCIATED DOCUMENTS OR SUPPORTED BY THE NEGOTIATING HISTORY OF THE AGREEMENT. THE SPECIFIC LIMITATIONS IMPOSED BY THE THREE WESTERN POWERS ON THE FEDERAL PRESENCE IN THE WSB ARE SET FORTH IN THOSE DOCUMENTS AND DO NOT CONTAIN SUCH A PRINCIPLE. RATHER, THE QA PROVIDES THAT "THE TIES BETWEEN THE WSB AND THE FRG WILL BE MAINTAINED AND DEVELOPED."

3. THE LOCATION IN THE WSB OF THE PROPOSED ORGANIZATION WOULD CONTRIBUTE TO THE DEVELOPMENT OF THESE TIES IN A MANNER CONSISTENT WITH THE QA AND ITS ACCOMPANYING DOCUMENTS, INCLUDING THE LETTER OF THE AMBASSADORS OF THE THREE POWERS TO THE CHANCELLOR OF THE FRG, DATED SEPTEMBER 3, 1971 -END TEXT.

4. DEPARTMENT IS NOT CERTAIN IT UNDERSTANDS RATIONALE BEHIND PROCEDURES AND TEXTS DEVELOPED IN REFTELS (A) AND (B). WE ASSUME THAT OUR CONSENT IS BEING REQUESTED AND GIVEN FOR AN INCREASE IN FEDERAL PRESENCE WHICH IS BEING UNDERTAKEN IN A MANNER NOT ENTIRELY CONSISTENT WITH "ESTABLISHED PROCEDURES" BECAUSE OF THE SENSITIVITY OF THE FRG-BERLIN TIES ISSUE, NOT BECAUSE LEGAL POSITION REQUIRES BERLIN AUTHORIZATION FOR LOCATION OF THIS FEDERAL OFFICE IN BERLIN. WE UNDERSTAND THAT THE OFFICE TO BE ESTABLISHED WILL NOT IN FACT EXERCISE ANY STATE AUTHORITY OVER BERLIN, DIRECTLY OR INDIRECTLY, OR ENGAGE IN ACTIVITIES WITHIN THE AREA OF RESERVED ALLIED RIGHTS. IF THESE UNDERSTANDINGS ARE CORRECT, WE WONDER WHY A SIMPLER FORM OF EXCHANGE WITH THE SENAT CANNOT BE WORKED OUT (WOULD AUTHORIZATION TO REPUBLISH THE ERLASS CONFORM MORE CLOSELY TO PAST PRECEDENTS?), AND WHY THE REFERENCE TO STATUS, SECURITY AND THE QUADRIPARTITE AGREEMENT HAVE BEEN CONFIDENTIAL

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INSERTED IN THE DRAFT BK/L? KISSINGER

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**TAGS:** PGOV, GE, UR  
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